



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



March 1, 2022

NEF-109 ela
Ref. No. 11445639

[REDACTED]
[REDACTED]
Hacienda Heights, C [REDACTED]

Dear [REDACTED]

Thank you for the follow up email about your model year (MY) 2012 BMW X5 vehicle. Your letter was forwarded to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. I am pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's roadways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects, such as in their design, construction, or performance. Among other activities, we also monitor the completion rates and adequacy of manufacturers' recall campaigns.

We appreciate the report you provided. Reports from motorists are a very important source of information for NHTSA. We received a previous report from you regarding your vehicle problem through our www.nhtsa.gov website on December 30, 2021. Please note that when a motorist contacts NHTSA, their complaint does not automatically open a formal investigation by our agency. The information from your report was entered into our complaint database and reviewed by our staff to determine if a safety defect trend exists that may require our attention. NHTSA staff may follow up and contact a vehicle owner who submitted a complaint if we require additional information. Also, contacts initiated by our agency to obtain additional information do not automatically open a formal investigation.

We reviewed our database to identify whether a safety defect trend exists with the water pump in MY 2012 BMW X5 vehicles. At this time, NHTSA has not identified sufficient evidence to open a safety defect investigation or to initiate a recall. We entered your information into NHTSA's database, where it will be used with other reports to identify any safety defect trends that may require our attention. Recalls are very specific with regard to vehicle build dates, affected vehicle identification numbers (VIN), assembly plants, remedy procedures, and defective components. You can learn more about NHTSA's investigation and recall process on our website at www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mvdefectsandrecalls_808795.pdf.

We believe the warranty extension you reference was part of the settlement of a class action lawsuit. Private lawsuits, including class action lawsuits, may be brought against manufacturers for a variety of reasons, including claims that have no relation to motor vehicle safety. However, NHTSA does not have jurisdiction over class action lawsuits.

We encourage you to work with BMW and your dealer to explore the potential for an amicable resolution to your problem. If you have not done so, you may also consider contacting your local Consumer Protection Agency or the California Attorney General's Office regarding your problem and rights under the State laws. In addition, the Federal Trade Commission (FTC) regulates and investigates unfair, deceptive or fraudulent practices in the marketplace.

Therefore, if you believe this issue potentially relates to such a practice, you may contact the FTC to discuss the matter. There are three ways to contact the FTC: by toll free telephone at 877-382-4357; by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftccomplaintassistant.gov.

Finally, you may also consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You can visit their website at www.bbb.org to file a complaint and review eligibility information or call the BBB Auto Line at 800-955-5100.

If you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, please complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov or call the Vehicle Safety Hotline at 888-327-4236. Also, you may review owners' complaints, safety recalls, manufacturers' service bulletins, etc., on our website.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement